

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-420V

Filed: July 13, 2009

Not for publication

KELLY BOLEY,

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Petitioner,

*

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v.

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Attorney's Fees and Costs

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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*

*

Respondent.

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*

Ronald C. Homer, Boston, MA, for petitioner.

Catherine C. Esposito, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On July 8, 2009, the parties filed the attached stipulation, in which they agreed to settle the attorney's fees and costs in this case and described the settlement terms. Pursuant to General Order #9, petitioner incurred **\$423.79** in reimbursable costs.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

court awards a total of **\$100,644.04**, in the form of one check made payable to petitioner and petitioner's counsel, Ronald C. Homer, in the amount of **\$100,220.25**, and one check made payable to petitioner in the amount of **\$423.79**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: July 13, 2009

/s/ Laura D. Millman

Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

| | | |
|-------------------------|---|-------------------------------|
| KELLY BOLEY, |) | |
| |) | |
| Petitioner, |) | |
| |) | No. 05-420V |
| v. |) | Special Master Millman |
| |) | |
| SECRETARY OF HEALTH AND |) | |
| HUMAN SERVICES, |) | |
| |) | |
| Respondent. |) | |

STIPULATION OF FACTS CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Petitioner submitted a draft Application for Attorneys' Fees and Costs to respondent on or about June 23, 2009.
2. In informal discussions, respondent raised objections to certain items in petitioner's draft application. Based on these discussions, petitioner has amended her Application for Attorneys' Fees and Costs in this matter to request reimbursement in the following amount:

An award of \$100,220.25 payable jointly to petitioner and petitioner's attorney, Ronald C. Homer.

3. Pursuant to General Order #9, petitioner has advanced reimbursable costs in pursuit of her claim in the amount of \$423.79. This amount is in addition to the attorneys' fees and costs stated in paragraph 2.
4. The parties now request that a decision awarding the attorneys' fees and costs described in paragraphs 2 and 3 of this stipulation, totaling \$100,644.04, be issued.

Respectfully submitted,

s/Ronald C. Homer
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s/Katherine C. Esposito
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